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Government of Kerala
2026

Regn.No. KERBIL/2012/45073
dated 05-09-2012 with RNI
Reg No.KL/TV(N)/634/2021-2023

കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 15
Vol. XV

തിരുവനന്തപുരം, ചൊവ്വ
Thiruvananthapuram, Tuesday

2026 ഫെബ്രുവരി 17
17th February 2026
1201 കുംഭം 5
5th Kumbham 1201
1947 മാഘം 28
28th Magha 1947

നമ്പർ
No. 649

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. KLS/886/2026-Legin3 *Dated, Thiruvananthapuram, 17th February, 2026.*

The Kerala Advocates' Welfare Fund (Amendment) Bill, 2026 together with the Statement of Objects and Reasons, Financial Memorandum and Memorandum Regarding Delegated Legislation, is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. N. Krishna Kumar
Secretary.

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Fifteenth Kerala Legislative Assembly
Bill No. 298

THE KERALA ADVOCATES' WELFARE FUND (AMENDMENT) BILL, 2026

A

BILL

further to amend the Kerala Advocates' Welfare Fund Act, 1980.

Preamble.- WHEREAS, it is expedient further to amend the Kerala Advocates' Welfare Fund Act, 1980 for the purposes hereinafter appearing;

BE it enacted in the Seventy - seventh Year of the Republic of India as follows:-

1. *Short title and commencement*.—(1) This Act may be called the Kerala Advocates' Welfare Fund (Amendment) Act, 2026.

(2) It shall come into force at once.

2. *Amendment of section 2*.— In the Kerala Advocates' Welfare Fund Act, 1980 (21 of 1980) (hereinafter referred to as the principal Act), in section 2,-

(i) after clause (e), the following clause shall be inserted, namely:-

"(ea) "e-stamp" means an electronically generated alternative for conventional stamps issued by the Bar Council of Kerala;".

(ii) for clause (j), the following clause shall be substituted, namely:-

"(j) "stamp" means the welfare fund stamp and the advocate stipend stamp printed and distributed under section 22 and includes an e-stamp.".

3. *Amendment of section 4*.— In sub-section (3) of section 4 of the principal Act,—

(i) in clause (c), for the words "a member", the words "two members" shall be substituted;

(ii) for clause (f) , the following clause shall be substituted, namely:—

" (f) The Secretary of the Trustee Committee to be appointed by the

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Government as per section 11.”.

4. *Amendment of section 10*.— In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“ (2) The Trustee Committee shall deposit all moneys and receipts forming part of the fund in any scheduled bank or invest the same in loans to any corporation owned or controlled by the Central Government or the State Government or in loans floated by the Central Government or the State Government or in Central or State Government bonds or in pension and other schemes constituted for advocates, in collaboration with pension schemes provided by nationalized and Scheduled Banks, Life Insurance Corporation of India or public sector insurance and health and death insurance schemes provided by nationalized or Scheduled Banks, Life Insurance Corporation of India or public insurance companies or in any other manner as the Bar Council may, from time to time, direct, with the prior approval of the Government.”.

5. *Amendment of section 11*.— In section 11 of the principal Act,—

(i) for the marginal heading, the following shall be substituted, namely:—

“Appointment, powers and duties of Secretary.—”

(ii) the existing section shall be numbered as sub-section (2) and before the sub -section so numbered the following sub-section shall be inserted as sub-section (1), namely:—

“(1) The Government may appoint an officer of the Law Department, not below the rank of Deputy Secretary to Government, on deputation basis as Secretary of the Trustee Committee.”.

6. *Amendment of section 14*.— In the principal Act, in sub-section (1) of section 14, after the word “members”, the words “of actual practice” shall be inserted.

7. *Amendment of section 15*.— In section 15 of the principal Act,—

(i) after the second proviso to sub-section (1E), the following sub-section shall be inserted, namely:—

“(1F) An Advocate who is a member of the Fund may apply to the Trustee Committee for counting his previous period of actual practice relevant at the time of his initial admission to the

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Fund, in such form as may be prescribed, on payment of the annual subscription payable at the rate specified in sub-section (5) corresponding to the period of actual years of practice together with a fine of rupees two thousand for every such years of previous completed year of practice:

Provided that such member shall not be eligible to claim such amount from the Fund on voluntary cessation of practice within a period of ten years from the date of such admission of his previous practice to the Fund:

Provided further that an Advocate who has been allowed to count previous practice under this sub-section shall be eligible to claim only up to ten years of his previous actual practice";

(ii) in sub-section (3), for the words "five hundred", the words " one thousand" shall be substituted;

(iii) for sub-section (5), and the proviso, the following sub-section and provisos shall be substituted, namely:—

" (5) Every member of the Fund shall pay an annual subscription to the Fund on or before 30th June of every year at the following rates, as shown in the TABLE below, namely:—

TABLE

Sl.No.	*Description*	*Rate (₹)*
(1)	(2)	(3)
1	Where the standing of the Advocate at the Bar is less than five years.	1,000
2	Where the standing of the Advocate at the Bar is five years and more, but less than ten years.	2,500
3	Where the standing of the Advocate at the Bar is ten years and more, but less than fifteen years.	4,000
4	Where the standing of the Advocate at the Bar is fifteen years and more, but less than twenty years.	4,500
5	Where the standing of the Advocate at the Bar is	5,000

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	twenty years and more, but less than twenty five years.	
6	Where the standing of the Advocate at the Bar is twenty five years and more, but less than thirty years.	5,500
7	Where the standing of the Advocate at the Bar is thirty years or above.	6,000

Provided that an Advocate designated as Senior Advocate under the Advocates Act, 1961 (Central Act 25 of 1961) shall pay an annual subscription to the Fund at the rate of rupees ten thousand:

Provided further that a member who has completed forty years of continuous membership in the Fund need not pay the annual subscription for the subsequent period if he continues in the membership**.";**

(iv) after sub-section (7), the following proviso and Explanation shall respectively be inserted, namely:—

"Provided that the Kerala Advocates' Welfare Fund Trustee Committee may exempt from payment of fine in case of extraordinary situation.

Explanation:-—"Extraordinary Situation" means a situation wherein an epidemic or pandemic or a natural calamity has hit the whole of the State of Kerala or a part of the State as a result of which a lockdown or shut down at the National level or the State level is declared by the Central or the State Government and as such the courts are not functioning and the advocates fall into great distress.".

8. *Amendment of section 16*.— In section 16 of the principal Act,—

(i) in sub-section (1),—

(a) for the words and symbol, "rupees twenty-five thousand", and, "rupees ten lakhs", the words "rupees fifty thousand" and, "rupees twenty lakhs" shall, respectively, be substituted;

(b) after the existing provisos to sub-section (1), the following provisos shall,

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respectively, be inserted, namely:—

"Provided also that the amount over and above rupees ten lakhs, shall be disbursed to a member of the Fund on cessation of practice other than by death as provided under sub-section (2) at an increase of 20% on the existing benefits payable for every completed year of practice for the next five years from the commencement of the Kerala Advocates' Welfare Fund (Amendment) Act, 2026:

Provided also that the members shall be eligible to claim a maximum amount of rupees twenty lakhs only:

Provided also that the Trustee Committee shall ensure that all disbursement of money from the Fund shall be incurred from the actual receipts credited to the Fund in each financial year.".;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In the event of death of a member while in actual practice his nominee or where there is no such nominee the spouse, and in the absence of both nominee and spouse, the legal heirs, as the case may be, shall be entitled to receive from and out of the Fund an amount of ten lakhs rupees or at the rates specified in sub-section (1) for every completed year of practice with the maximum aggregate amount of twenty lakhs rupees whichever is higher.".

(iii) in sub-section (4), the second proviso shall be omitted.".

9. *Amendment of section 18*.— In clause (b) of section 18 of the principal Act, for the words "one lakh", the words "two lakhs" shall be substituted.

10. *Insertion of new section 18 A*.- After section 18 of the principal Act, the following section shall be inserted, namely:—

"18A. *Medical Insurance Scheme*.- The Kerala Advocates' Welfare Fund Trustee Committee may constitute a scheme for providing medical insurance to its members and family.".

11. *Amendment of section 22*.— In section 22 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

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"(1) The Bar Council shall cause to be printed and distributed welfare fund stamps of the value of one hundred rupees and two hundred rupees and advocate stipend stamps of the value of twenty five rupees and fifty rupees with the Bar Council Emblem and its value inscribed thereon.".

12. *Insertion of new section 22A.*— After section 22 of the principal Act, the following section shall be inserted, namely:—

" 22A *Appointment pay and service conditions of staff:*- The Advocates' Welfare Fund Trustee Committee shall have on its establishment, an Accountant and such other staff as may be decided from time to time and the scale of pay and conditions of service shall be prescribed by the Bar Council in consultation with the Government and shall be revised from time to time with the prior approval of the Government.".

13. *Amendment of section 23*.- In section 23 of the principal Act,-—

(i) for sub -section (1) the following sub- section shall be substituted, namely.-

"(1) Every Vakalath filed by an advocate shall, in addition to the court fee stamp affixed thereon, be affixed with the welfare fund stamp of value of two hundred rupees in the case of Vakalath filed before the High Court and of the value of one hundred rupees in the case of Vakalath filed before Subordinate Courts, Tribunals and other authorities and advocate stipend stamp worth fifty rupees in Vakalaths filed before the High Court and twenty five rupees before the Subordinate Courts, Tribunals and other authorities. No Vakalath shall be valid unless it is so stamped:

Provided that nothing contained in this sub-section shall apply in respect of any memorandum of appearance filed by an advocate appearing on behalf of the Government:

Provided further that no Court, Tribunal or other Authority shall receive any Vakalath filed by an advocate unless it is so stamped, and that any person found to be responsible for causing loss to the Fund may be held liable for making good such loss.

Explanation:- If three or more advocates jointly appear by a single Vakalath the maximum number of stamps that may be affixed thereon shall be three.".

(ii) after sub-section (3), the following sub-section shall be added, namely:—

"(4) The collection of value of the welfare fund stamps and advocates stipend stamps shall also be made by way of e-stamp by the Trustee Committee.".

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STATEMENT OF OBJECTS AND REASONS

In order to strengthen the administration of the Kerala Advocates' Welfare Fund and to enhance the benefits provided to its members, the Government have decided to amend sections 2, 4, 10, 11, 14, 15, 16, 18, 22 and 23 of the Kerala Advocates' Welfare Fund Act, 1980 (Act 21 of 1980).

2. To ensure efficient governance, the Government have decided to enhance the number of Government nominees in the Kerala Advocates' Welfare Fund Trustee Committee from one to two. It is also decided to amend the criteria for appointment of the Secretary of the Trustee Committee.

3. The Government have also decided to introduce a Medical Insurance Scheme for members of the Fund and their families. It is also decided to entrust the Trustee Committee to invest money and receipts forming part of the Fund in Central or State Government bonds, pensions, or other schemes.

Moreover, the Trustee Committee will be empowered to appoint necessary staff, decide their service conditions, and waive fines for defaults under extraordinary circumstances. Necessary provisions for counting the previous periods of actual practice is also incorporated. It is also intended to increase the financial assistance for major surgical operations and cancer treatment from rupees one lakh to two lakhs and to enhance the cessation of practice and death benefits, raising the maximum aggregate amount to twenty lakh rupees. (Para 165 of the Budget Speech 2026-2027)

4. For the purpose of strengthening the financial resources of the Fund, the Government have decided to increase the admission fees, annual subscription fees, and the value of welfare fund stamps. The Bill also seeks to introduce advocate stipend stamps for filings in various courts and to authorize the collection of stamp values through e-stamping to facilitate modern payment methods.

5. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State, but involve expenditure from the Kerala Advocates' Welfare Fund for salaries and allowances of the Secretary as provided in section 11 of the Act, proposed to be amended by clause 5 of the Bill, for enhancing the amount entitled to be received by a member of the Fund as provided in section 16 of the Act, proposed to be amended by clause 8 of the Bill, and for enhancing the financial assistance to the members for the hospitalised treatment as laid down in section 18 of the Act proposed to be amended by clause 9 of the Bill, and for providing medical insurance to the members and their families proposed to be inserted by clause 10 of the Bill.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill, proposes to insert sub-section (1F) to section 15 of the Kerala Advocates' Welfare Fund Act, 1980, which seeks to empower the Bar Council of Kearala to prescribe the Form of application for counting the previous period of actual practice of an existing member.

Clause 12 of the Bill proposes to insert a new section 22A to the Kerala Advocates' Welfare Fund Act, 1980, which seeks to empower the Bar Council of Kearala to prescribe the scale of pay and service conditions of staff of the Kerala Advocates' Welfare Fund Trustee Committee.

The matters in respect of which rules are to be made are either administrative in nature or matters of procedure or routine in nature. Further, the rules, after they are made, will be subject to the scrutiny of the Legislative Assembly. Hence, the delegation of legislative power is therefore of a normal character.

P. RAJEEVE.

PUBLISHED BY THE SUPERINTENDENT OF GOVERNMENT PRESSES
AT THE GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM, 2026

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